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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,684

09/19/2006

Richard Ostrcil

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

02/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/593,684	OSTRCIL, RICHARD	
	Examiner	Art Unit	
	Andrew C. Lee	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action in response to the Application no. 10593684 filed on 9/19/2006 is entered.

Claims 1 – 5 have been canceled by Preliminary Amendment dated 9/19/2006.

Claims 6 – 13 are added and are entered for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 9/19/2006 was filed, and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawings are objected to because the entities of the diagram are not labeled explicitly with full text. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 2419

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 recites the limitation "the addresses" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the addresses" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2419

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 6, 7, 8, 10, 11, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dar et al. (US 20030154236 A1).

Regarding claim 6, Dar et al. disclose a method for a redundant data management in a computer network (*paras. [0012], [0014]*), comprising: providing a plurality of mutually independent computers that each have a routing function (*"a plurality of DBMS computers"; Fig. 1, para. [0014], Fig. 4, [0041]*); storing redundant data in the plurality of computers (*"to facilitate the organization, storage, retrieval, security and integrity of data"; Fig. 4, para. [0041]*); providing an data management application program for each of the plurality of computers (*"the use of DBMS software"... "accepting requests form applications ..."; Fig. 4, para. [0041]*); assigning an address identifier to each of the programs such that the addresses have a same virtual sub-network (*para. [0046], para. [0087]*); and accessing the application programs via the network as routers (*para. [0046], para. [0087]*).

Regarding claim 7, Dar et al. disclose the method as claimed wherein a communication in the computer network is based on an Internet Protocol (*"TCP/IP"; paras. [0046], [0047], [0087]*).

Regarding claim 8, Dar et al. disclose the method as claimed wherein the communication is further based on a Transmission Control Protocol (*"TCP/IP"; paras. [0046], [0047], [0087]*).

Regarding claim 10, Dar et al. disclose the method as claimed wherein an access ranking for the programs provided is determined by the routing function (*"redirection and load balancing"; paras. [0050], [0051]*).

Regarding claim 11, Dar et al. discloses a method for a redundant data management in an Internet Protocol network (*paras. [0012], [0014], [0046]*), comprising: providing a plurality of mutually independent computers (*"a plurality of DBMS computers"; Fig. 1, para. [0014], Fig. 4, [0041]*); storing redundant data in the plurality of computers (*"to facilitate the organization, storage, retrieval, security and integrity of data"; Fig. 4, para. [0041]*); providing a data management application program for each of the plurality of computers (*"the use of DBMS software"... "accepting requests form applications ..."; Fig. 4, para. [0041]*); assigning an address identifier to each of the programs such that the addresses have a same virtual sub-network (*para. [0046], para. [0087]*); providing a first router within the network (*"element 42 router+NAT"; Fig. 4, para. [0041]*); and accessing one of the application programs via the first router, wherein the application program appears as a second router to the first router, and wherein the application accessed is based on a load distribution in the first router (*para. [0046], [0050], "load balancing", [0051], para. [0087]*).

Regarding claim 12, Dar et al. discloses the method as claimed wherein the communication in the network is based on a Transmission Control Protocol (*"TCP/IP"; paras. [0046], [0047], [0087]*).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. (US 20030154236 A1) in view of Miyamoto et al. (US 6985496 B2).

Regarding claim 9, Dar et al. disclose all the limitations the method as claimed in claims 6 and 7 except explicitly wherein the communication is further based on a User Datagram Protocol.

Miyamoto et al. in the same field of endeavor teach wherein the communication is further based on a User Datagram Protocol (*"TCP/UDP protocol; col. 10, lines 49 – 54*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Dar et al. to include the features of wherein the communication is further based on a User Datagram Protocol as taught by Miyamoto et al. One of ordinary skill in the art would be motivated to do so for providing techniques to increase the efficiency of communication between computer systems (*as suggested by Miyamoto et al., see col. 6, lines 28 – 29*).

Art Unit: 2419

Regarding claim 13, Dar et al. discloses all the limitations the method as claimed in claim 11, except explicitly wherein the communication is further based on a User Datagram Protocol.

Miyamoto et al. in the same field of endeavor teach wherein the communication is further based on a User Datagram Protocol (*"TCP/UDP protocol; col. 10, lines 49 – 54*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Dar et al. to include the features of wherein the communication is further based on a User Datagram Protocol as taught by Miyamoto et al. One of ordinary skill in the art would be motivated to do so for providing techniques to increase the efficiency of communication between computer systems (*as suggested by Miyamoto et al., see col. 6, lines 28 – 29*). wherein the communication in the network is based on a User Datagram Protocol

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2419

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2419
<1/31/2009:2Qy09>

/Salman Ahmed/
Examiner, Art Unit 2419